

# EXHIBIT EE

**In the Matter Of:**

**UNITED STATES vs STATE OF GEORGIA**

1:16-CV-03088-ELR

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**DERRICK GILCHRIST**

*September 29, 2022*

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1 the strategic plan, and so that was the -- the level of  
2 interaction.

3 Q Did you ever reach out to Ms. Rahming directly  
4 with any questions or issues related to the GNETS  
5 program?

6 A I believe I -- I did speak with her as we were  
7 developing the strategic plan with specific questions  
8 about the strategic plan itself.

9 Q Okay. And you mention -- you mentioned that  
10 you served on the GNETS strategic planning committee.  
11 What was that committee?

12 A It was just a group of directors that assisted  
13 with developing the strategic plan.

14 Q What was the time frame that you served on that  
15 committee?

16 A I want to say 2016, 2017.

17 Q And you said Ms. Rahming oversaw the committee  
18 and their work?

19 A Yes.

20 Q And just for the record, Ms. Rahming's name is  
21 spelled R-a-h-m-i-n-g.

22 THE COURT REPORTER: R-a-h-m-i-n-g. Okay.  
23 Thank you.

24 MS. JACKSON: And what was her first name  
25 again?

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1 have one program.

2 Q When did that change occur?

3 A The 2019 school year was our final year of  
4 providing services in Fulton County.

5 Q And by 2019 school year, would that be the 2019  
6 through the 2020 school year?

7 A It was the '19/'20. So 2019 fall, and then  
8 2020 spring.

9 Q What was your opinion of Fulton County's  
10 departure from the South Metro GNETS program?

11 A I did not really have an opinion. I understood  
12 their rationale.

13 Q Was your program negatively impacted in any way  
14 by Fulton County's departure?

15 A I would say not.

16 MS. HAMILTON: I'm handing the court reporter  
17 what I'd like to have marked as Plaintiff's Exhibit 448.

18 (Plaintiff's Exhibit 448 was marked for  
19 identification.)

20 Q BY MS. HAMILTON: The first page of this  
21 document is Bates stamped GA00356682. This is a  
22 December 2019 e-mail chain between Derrick Gilchrist and  
23 Vickie Cleveland with the subject line, "RE: Funding  
24 Summary."

25 I'll give you a moment to take a look at this,

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1 and let me know when you're ready.

2 A I've reviewed it.

3 Q Okay. Do you recognize this document?

4 A Yes, I do.

5 Q What was this e-mail chain about?

6 A It was about changes within Fulton County and  
7 how it would impact South Metro.

8 Q I want to start by looking at the e-mail that  
9 you sent to Vickie Cleveland on December 11th, 2019.

10 This is on the second page.

11 What were you asking?

12 MR. PICO-PRATS: Sorry for interrupting. Do  
13 you have a screen share of this available or a copy that  
14 you can send over to us?

15 THE REPORTER: Who was that that was talking?  
16 Oh, Javier?

17 MR. PICO-PRATS: Yeah.

18 MS. HAMILTON: Can we go off the record?

19 THE VIDEOGRAPHER: Going off the record at  
20 10:50.

21 (A discussion was held off the record.)

22 THE VIDEOGRAPHER: Back on the record at 10:54.

23 Q BY MS. HAMILTON: Mr. Gilchrist, so I might  
24 have you repeat your answer, but in your e-mail to Vickie  
25 Cleveland dated December 11th, 2019, what were you asking

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1 Ms. Cleveland?

2 A When in terms of projecting for the future, I  
3 wanted to get an idea of when they would be able to  
4 provide me information, you know, again, referring back  
5 to a timeline of when I would have information regarding  
6 our funding because of the change. And so I just wanted  
7 to know as much information as I could in terms of when  
8 that information will be provided, because that was a  
9 pretty major change for the program, and so I wanted a  
10 better idea of -- of the potential impact and when I  
11 would have that information.

12 Q And it says here you're requesting projections  
13 regarding the impact of reducing/moving 47 students. Is  
14 that the number of students at issue?

15 A Yeah. Well, it was me having access to the  
16 information of that impact so that I could plan.

17 Q Okay. Were there 47 students who were gonna be  
18 moving from your program to the North Metro program?

19 A Not physically moving as much as the count  
20 itself being moved from the South Metro formula, if you  
21 will, so the North Metro formula. And so I wanted to  
22 know when they would be able to provide me that  
23 information because we had to plan for it.

24 Q And when you say the students were physically  
25 moving --

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1           A     Right. So they remained -- Fulton County is a  
2     school-based county, in that all of the students in  
3     Fulton County who receive GNETS services are served in a  
4     school-based program model. And so the students weren't  
5     changing schools; it was just the provider was changing.  
6     So it was moving from South Metro being able to implement  
7     our programming to them bringing in North Metro to  
8     implement whatever their programming looked like.

9           Q     Okay. Once North Metro began providing  
10    programming, would you have any other -- would you be  
11    providing services to those students any further?

12          A     Not to those students in Fulton County. We --  
13    we didn't have any additional contact or anything with  
14    them.

15          Q     Okay. All right. So if we go to the very --  
16    the last e-mail in the chain but the first e-mail on the  
17    first page of the set of pages here, I want to look at  
18    the second paragraph. What did you mean when you stated,  
19    "In the past, LEAs opting to change GNETS fiscal agent  
20    incurred the cost of the change"?

21          A     So what -- what was being discussed at that  
22    time was again them moving those student numbers from our  
23    funding formula to the North Metro funding formula, which  
24    means we would have lost funds.

25                 In the past, previously prior to this event, no

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1 changes were made to the funding formula. The LEA who  
2 initiated or opted for a change would provide funding for  
3 those services to change until the -- the student count  
4 would generate for the new program, if that makes sense.

5 Q That does.

6 And you also note here, "In the cases I am  
7 familiar with, Henry County and Atlanta Public Schools,  
8 those LEAs supported GNETS operations until funding was  
9 available" --

10 A Yes.

11 Q -- "through the student count and GNETS funding  
12 formula"?

13 A Yes.

14 Q Are those examples of what you were just  
15 describing?

16 A Yes.

17 Q Okay. After consulting Ms. Cleveland, did she  
18 confirm that your understanding was correct?

19 A No, because the question again, it really  
20 wasn't about that piece. It was really more about when  
21 they -- when would I know the results of whatever was  
22 happening. Because I was not privy to, I guess at the  
23 state level, you know, how they were going to handle it.  
24 And so really what I needed to know -- the information  
25 that I needed to know is when I would be provided with an



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1 accurate project- -- projection of funding for the next  
2 school year.

3 And the reason that that was so important is  
4 because of staffing. If there were major -- major  
5 changes to the funding formula, that would have meant  
6 that I would have had teachers and individuals under  
7 contract that the funding would not have supported.

8 And so prior to -- and if you look at the  
9 timing, this was November/December, and so this is a -- a  
10 few months before teacher contracts began to go out.

11 And so again, the -- the major thing that I  
12 needed to know is, okay, what is going to be the impact,  
13 and what is our funding going to look like with these  
14 changes?

15 Q What impact did the loss of those students  
16 ultimately have on the South Metro GNETS funding?

17 A We saw a decrease in our funding since that  
18 period. But with our LEAs, and as you see in the e-mail,  
19 Henry County is mentioned. Henry County and both Clayton  
20 County both supported and continue to support GNETS  
21 services by funding positions and providing and  
22 provisioning certain resources that allow us to be able  
23 to do things like contract with View Point and implement  
24 a High Fidelity Wraparound.

25 And so while our -- we did experience a

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1 decrease in funding, we were able to move forward with  
2 our program initiatives that were aggressive toward  
3 really implementing services to kind of provision mental  
4 health and Wraparound support for the students and  
5 families in Clayton and Henry County.

6 Q Okay. And I know we were talking earlier about  
7 e-mail communications that you've had with Ms. Cleveland.  
8 Is this an example of your outreach to Ms. Cleveland?

9 A It is. And, again, you know, it's -- it's  
10 about the timeline. You know, I need to know what our  
11 funding is going to look like, you know, when will the  
12 information be available, and, you know, whether or not  
13 they were actually going to release that information a  
14 little bit sooner than what has traditionally happened  
15 within the state.

16 Q Other than the departure of South Metro, have  
17 there been any other changes in the counties or LEAs  
18 served by South Metro in the last five years?

19 A Other than the Fulton County change? When you  
20 say the past five years, no. So we've -- for the past  
21 five years we've been serving Clayton and Henry County.

22 Q Okay. Who is the fiscal agent for South Metro  
23 GNETS?

24 A Clayton County Public Schools.

25 Q And what is Clayton County's role in its

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1 DOE?

2 A No.

3 MS. HAMILTON: I'd like the court reporter to  
4 mark this next document as Plaintiff's Exhibit 458.

5 (Plaintiff's Exhibit 458 was marked for  
6 identification.)

7 Q BY MS. HAMILTON: And the first page of this  
8 document is Bates stamp GA00785867. This is an e-mail  
9 chain from March to April 2017. The initial e-mails at  
10 the end are between you and Lisa Domzal with a subject  
11 line of PT Psychologist, and the remaining e-mails are  
12 between you and Ms. Rahming with a similar subject line.

13 If you want to take a moment to take a look and  
14 let me know when you're finished.

15 A I'm fine.

16 Q Okay. Do you recognize these e-mails?

17 A Yes.

18 Q Who is Lisa Domzal? And I'm going to spell her  
19 last name, D-o-m-z-a-l.

20 A She is -- I believe her title is Position  
21 Control Coordinator in Clayton County.

22 Q Okay.

23 A And so she is part of the human -- human  
24 resources department for Clayton County, which is our  
25 fiscal agent.

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1 Q And what were you asking her in these e-mails?

2 A So for Lisa, the initial request was for us to  
3 be able to post and hire a part-time school psychologist,  
4 she wanted me to confirm with DOE that I could do that.

5 Q All right. And in her response, the  
6 confirmation -- I just want to confirm. The confirmation  
7 that she was looking for was -- do you see -- this is the  
8 Monday, March 27th e-mail --

9 A Okay.

10 Q -- from Ms. Domzal to Derrick Gilchrist.

11 A Yes.

12 Q Okay. So in her e-mail, she wanted you to  
13 provide a State-level e-mail or document showing that you  
14 had been approved to put the position in your budget; is  
15 that correct?

16 MS. JACKSON: Object to form.

17 THE WITNESS: I...

18 Q BY MS. HAMILTON: What was the -- what was the  
19 form? Sorry. What was the documentation that she wanted  
20 you to provide?

21 A This e-mail. She wanted to see approval or  
22 authorization from the State that it was okay for me to  
23 hire a part-time psychologist. And I don't think that --  
24 and I'm trying to remember. I -- I don't believe the  
25 issue was necessarily about the funds or funding. It was

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1 the fact that it was a part-time position, not a  
2 full-time psychologist.

3 Q Did you reach out to anyone from the State DOE  
4 to get this confirmation?

5 A Nakeba Rahming.

6 Q And what did you ask Ms. Rahming?

7 A Whether or not I was authorized or approved to  
8 add a part-time psychologist.

9 Q Did you ultimately get approval from  
10 Ms. Rahming?

11 A I believe we -- we did, but we never filled the  
12 position because we could not find anyone to take a  
13 part-time school psychologist position, and so instead I  
14 ended up adding a full-time second psychologist.

15 Q Okay.

16 A Who is still currently employed. So we still  
17 currently have two psychologists.

18 Q Have you had to reach out to the State DOE for  
19 approval for any other GNETS positions?

20 A No. And the only reason why I did this is  
21 because the human resources department wanted me to,  
22 which I didn't really understand why they wanted me to  
23 reach out.

24 MS. HAMILTON: Okay. I am handing the court  
25 reporter what I'd like to have marked as Plaintiff's

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1           A    It -- it helps us to work with our LEAs to  
2   ensure that there are processes in place for placing  
3   students in GNET programs or placing students in a  
4   position to receive GNET services.

5           MS. HAMILTON: I'm handing the court reporter a  
6   document that I'd like to have marked as Plaintiff's  
7   Exhibit 460.

8           (Pleading's Exhibit 460 was marked for  
9   identification.)

10          Q   BY MS. HAMILTON: The first page of this  
11   document is Bates-stamped GA00030538. This document has  
12   a cover e-mail dated August 2018 between Vickie Cleveland  
13   and Lakesha Stevenson with a subject line, "Items to copy  
14   for meeting." And then there are five attachments that  
15   include various -- various GNETS program documents. And  
16   I actually want to focus our time on the attachments.

17          I will give you a moment just to skim through,  
18   and you can let me know when you're done.

19          A    Okay.

20          Q    All right. What I'd like to do first is just  
21   gauge your familiarity with these documents, and then if  
22   we have time at the end of the deposition, we may come  
23   back and talk more about the substance.

24          If you can turn to the second attachment which  
25   has the Bates state -- stamp number GA00030542. And the

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1 title of this document says, "Request for GNETS  
2 Consultation."

3 A Yes.

4 Q Are you familiar with this document?

5 A Yes.

6 Q What is it?

7 A It's a -- a document that can be used by LEAs  
8 to request GNETS consult for students.

9 Q Who created this document?

10 A The DOE.

11 Q Okay. And in your capacity as a GNETS  
12 director, did you play any role assisting in the creation  
13 of this document?

14 A No.

15 Q Does the South Metro program use the Request  
16 for GNETS Consultation form?

17 A Yes.

18 Q Are all GNETS programs required to use this  
19 form?

20 MS. JACKSON: Object to the form.

21 THE WITNESS: I -- I don't know.

22 Q BY MS. HAMILTON: And how did you learn of this  
23 form?

24 A We had a meeting, and I would imagine this -- a  
25 meeting agenda. I was present when this information was

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1 shared.

2 Q How long have you been using the request for  
3 GNETS consultation form?

4 A Based on these documents, I would say probably  
5 since the time of this meeting in 2018.

6 Q Okay. I'd like to turn to the next document,  
7 and this is the one that has the title GNETS Services  
8 Flow Chart. And it's the next attachment in this  
9 document.

10 A Gotcha.

11 Q With a Bates stamp of GA00030544.

12 A Yes.

13 Q Are you familiar with this document?

14 A Yes.

15 Q What is this document?

16 A It's a guidance document to help LEAs and all  
17 stake -- stakeholders understand just the flow, a  
18 flowchart in terms of, I guess, how to request  
19 consultation and how to handle other issues or processes.

20 Q Okay. Who created this document?

21 A I believe someone at the DOE.

22 Q Does your program use this GNETS services  
23 flowchart?

24 A We use a -- a -- a modified form of it, and so  
25 it looks a little bit different from this.



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1 Q What parts of the flowchart look different in  
2 what you're using in your program?

3 A Well, we wanted to be specific for our LEA, so  
4 like position titles we wanted to use the correct  
5 position titles that are aligned with what our LEAs are  
6 so that they would be clear on the people within the  
7 district and what their role is in terms of requesting  
8 consult. And so we just kind of modified it based on  
9 more locally specific position titles and staff.

10 Q Okay. When were you first introduced to the  
11 GNETS Services Flow Chart?

12 A I would say at this meeting.

13 Q And just to confirm, so that our record is  
14 clear, are you referring to this August 21st, 2018 --

15 A Yes.

16 Q -- GNETS director meeting?

17 A Yes.

18 Q Okay. All right. I want to turn to the next  
19 attachment. It has a Bates number of GA00030545, and the  
20 title is Confidential Student Information Packet.

21 Are you familiar with this document?

22 A Yes.

23 Q What is this document?

24 A It's the -- a student information packet, a  
25 student information packet that LEAs could request

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1 support or assistance.

2 Q Okay. And who created this document?

3 A I believe someone at the DOE.

4 Q Does the South Metro program use the  
5 confidential student information packet?

6 A Yes.

7 Q And do you use it as it's currently written or  
8 did you make any modifications?

9 A We -- we did -- I believe we did modify -- no,  
10 we did not make any modifications to this.

11 Q Okay. And when were you introduced to this  
12 document?

13 A During this August 2018 meeting.

14 Q And I'd like to turn to the last attachment.  
15 This is -- starts on GA00030549 entitled Guiding  
16 Questions for Consideration of Services. Are you  
17 familiar with this document?

18 A Yes.

19 Q What is this document?

20 A A guiding questions document to help and assist  
21 LEAs with complying with the requirements and process for  
22 requesting support or assistance for students.

23 Q Does the South Metro program use this form in  
24 connection with students being referred to your program?

25 A Yes, we do.

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1 Q And when did -- when did you first get  
2 introduced to the guiding questions?

3 A In this August of 2018 meeting.

4 Q And did your program make any modifications to  
5 this form?

6 A No.

7 Q All right. I want to turn back to the  
8 flowchart that's in this packet of documents. I want to  
9 ask you a few questions about how this process works for  
10 a student beginning through a GNETS program.

11 So if you can look at the part of the flowchart  
12 that focuses on the standard process. Based on this  
13 chart and your understanding of how students get placed  
14 in GNETS, who makes the initial determination regarding  
15 whether a student should be considered for GNETS?

16 A Well, it was my understanding that the special  
17 ed departments with -- within the LEAs make a  
18 determination with students that they may be struggling  
19 with or they may have questions about, and from that  
20 point they may reach out to GNETS programs to request  
21 assistance or support.

22 Q Okay. So then going down to this -- so then  
23 after that first step, it says, the student information  
24 packet is completed. Is that the confidential info- --  
25 confidential student information packet that we just saw?

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1 clarified or specified.

2 Q What were some of those areas that you felt  
3 prior to that last revision needed to be clarified?

4 A That's a tough one. I'd have to look at them  
5 side by side just to kind of remember specifically what  
6 those revisions were.

7 I do know that the areas of the GNET program,  
8 some of the areas were combined, and so it was just -- it  
9 was -- I felt like the -- the latest or the current  
10 version is just more streamlined and more clear.

11 MS. HAMILTON: Okay. I'm handing the court  
12 reporter a document that I would like to have marked as  
13 Plaintiff's Exhibit 461.

14 (Plaintiff's Exhibit 461 was marked for  
15 identification.)

16 Q BY MS. HAMILTON: This document has a title of  
17 "Self-Assessment Outcomes and Improvement Summary Plan."  
18 This was provided to the United States by the South Metro  
19 GNETS program in response to the United States subpoena.

20 Mr. Gilchrist, do you recognize this document?

21 A Yes.

22 Q All right. What is this?

23 A This is the self-assessment that all programs  
24 are required to complete as a self-assessment of -- of  
25 our implementation of the strategic plan.

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1 relates to the strategic plan. And so with -- with  
2 engaging in the self-assessment activity, we gather just  
3 information from the perspective of program leaders on  
4 areas that we either may be doing really well in or areas  
5 that we may need to focus on.

6 Q And does the State DOE require every GNETS  
7 program to complete a similar plan?

8 A Yes, it's -- it's required.

9 Q Would you -- once you have completed this plan,  
10 who -- who do you give it to from -- let me rephrase that  
11 question.

12 Once you've completed this plan, who -- who  
13 from the State do you give it to?

14 A It's part of the grant application. It's one  
15 of those documents that we submit with our grant  
16 application.

17 Q Do you also have to complete a midyear  
18 strategic plan self-assessment?

19 A This is the midyear (indicating).

20 Q Okay. So how many of these self-assessments do  
21 you complete during --

22 A Two.

23 Q -- the school year?

24 A Two. A midyear and end of year.

25 Q Once you provide this information to the State

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1 DOE, how do they use this information?

2 MS. JACKSON: Objection to form.

3 THE WITNESS: I don't know.

4 Q BY MS. HAMILTON: Are site visits part of the  
5 strategic plan process? And I should say site visits  
6 from the State DOE?

7 A It was initially part of the original plan  
8 where the DOE would annually visit each GNET program to  
9 review the artifacts in evidence to support  
10 implementation of the strategic plan.

11 Q Does the State DOE still conduct site visits?

12 A They conduct site visits. However, it's on a  
13 rotating scheduled basis. It's not an annual site visit  
14 as it relates to the strategic plan.

15 Q Okay. How frequently does the State DOE now  
16 conduct site visits as part of the strategic plan  
17 process?

18 A I don't remember the number of years in the  
19 rotation because I was -- that's pretty new, so I  
20 don't -- I don't remember.

21 Q Okay. But it's -- but to confirm, it's not  
22 every school year?

23 A Yes, it's not every school year.

24 Q Are you aware of any changes that are being  
25 made to the strategic plan process for the current school

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1 year?

2 A No, I'm not aware of anything.

3 Q Do you anticipate receiving feedback from the  
4 State on the strategic plan documents when you submit  
5 them?

6 A Yes.

7 Q Earlier during the deposition you mentioned  
8 that you met Wina Low during one of the DOJ site visits;  
9 is that correct?

10 A No, that was Shaun.

11 Q Or was that Shaun Owen --

12 A Yes.

13 Q -- that you met?

14 A Who was on-site during the site visits.

15 Q All right. Thank you for clarifying that.

16 Were you present -- how many of the site visits  
17 were -- did you attend that were conducted by the United  
18 States?

19 A For my program?

20 Q Yes.

21 A I attended all of them. The -- I take that  
22 back. So they had to make -- in Henry County they made  
23 two trips last year. I was not present for the second  
24 because it was a scheduling conflict.

25 Q Okay.